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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,543	03/12/2004	Martin F. Ticknor	1397	6473

7590

08/16/2005

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EXAMINER

PRINCE, FRED G

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,543

Applicant(s)

TICKNOR, MARTIN F.

Examiner

Fred Prince

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0304.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo et al. (JP 6-346491).

Matsuo et al. teach a reservoir (10, 13) storing rainwater, an intake (17) removably attachable to a superior end of said reservoir, said intake having a screen (19) for segregating debris from said reservoir; a port (6) and port plug (7), and a first outlet (top of conduit 48) for egress of stored rainwater and connected to a submersible pump (40), wherein the upper section is secured to the lower section.

2. Claims 1-4, 7, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (GB 2314367).

Jones teaches a reservoir (1) storing rainwater, an intake (2) removably and threadably attachable (page 2) to a superior end of said reservoir, said intake having a screen (9) for segregating debris from said reservoir; a first outlet (8) for egress of stored rainwater and connected to a pump (7), a second outlet (20) for egress of collected rainwater, wherein the first outlet is superior to the second outlet (Fig. 1), and an overflow port (4, 19).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

Jones is described above. Jones does not disclose a lever-controlled ball-valve assembly having a male-coupler receiving attachment to a garden hose.

In any case, it is submitted that it is well known in the art to provide disclose a lever-controlled ball-valve assembly having a male-coupler receiving attachment to a garden hose to an outlet in order to, for example, control the output of water to a desired location (see, for example, US Pat No 4,925,099 to Owen). Accordingly, it would have been readily obvious for the skilled artisan to modify the outlet of Jones such that it includes a lever-controlled ball-valve assembly having a male-coupler receiving attachment to a garden hose to an outlet in order to, for example, control the output of water to a desired location, as known in the art.

Allowable Subject Matter

5. Claims 6, 8, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:

Per claim 6, while claim 4 is not allowable for the reasons provided above, in the examiner's opinion the prior art fails to teach or fairly suggest a rain collection apparatus further including the combination of a pump in a separate storage compartment having a third outlet opened and closed by an externally projected lever.

Per claims 8-9, while claim 1 is not patentable for the reasons provided above, and it is known to provide a intake including an interior dam, an inlet having a screen, and an overflow ridge bisecting the interior dam (see, for example, US Pat No 4,337,858 to Thomas et al.), in the examiner's opinion the prior art fails to teach or fairly suggest a rain collection apparatus having all of the elements above in combination with a dam inclined toward the ridge.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fred Prince
Primary Examiner
Art Unit 1724

fgp
8/10/05